

RCRA REVISION CHECKLIST 81

Petroleum Refinery Primary and Secondary
Oil/Water/Solids Separation Sludge Listings (F037 and F038)
55 FR 46354-46397
November 2, 1990
as amended on December 17, 1990, at 55 FR 51707
(RCRA Cluster I, HSWA)

Following the promulgation of the two rules addressed by this checklist, an interim final rule (56 FR 21955; May 13, 1991; Revision Checklist 89) revised the definition of wastes subject to the F037 and F038 listings. That rule also clarified that, with regard to F038, floats generated in aggressive biological treatment units are not included in the listing description of that waste stream. Because these changes narrow the scope of the F037 and F038 listings, they are considered optional. States wishing to adopt the optional changes addressed by Revision Checklist 89 are strongly encouraged to adopt them at the same time the Revision Checklist 81 provisions are adopted.

			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

- | | | |
|-----|---|-----------|
| 1,2 | add the waste codes "F037" and "F038" to list in alphanumeric order as shown below; redesignate the introductory paragraph and the table as paragraph (a) | 261.31(a) |
|-----|---|-----------|

RCRA REVISION CHECKLIST 81: Petroleum Refinery
 Primary and Secondary Oil/Water/Solids
 Separation Sludge Listings (F037 and F038) (Cont'd)

					STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE		
Industry and EPA hazardous waste No.					Hazardous waste		Hazard code
*	*	*	*	*	*	*	*
F037 . . Petroleum refinery primary oil/water/solids separation sludge--Any sludge (T) generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.							
F038 . . Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-- (T) Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated in aggressive biological treatment units as defined in §261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.							
*	*	*	*	*	*	*	*
add new paragraph entitled "Listing Specific Definitions:"					261.31(b)		
definition of oil/water/ solids for the purposes of F037 and F038 listings					261.31(b)(1)		

RCRA REVISION CHECKLIST 81: Petroleum Refinery
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
for the purposes of F037 and F038, aggressive biological treatment units are defined as units which employ one of four specified treatment methods; specific requirements for high-rate aeration:	261.31(b)(2)(i)				
units employ a minimum of 6 hp per million gallons of treatment volume and either:	261.31(b)(2)(i)(A)				
the hydraulic retention time of the unit is no longer than 5 days	261.31(b)(2)(i)(B)				
the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is hazardous waste by the Toxicity Characteristic	261.31(b)(2)(i)(C)				
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	261.31(b)(2)(ii)				
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	261.31(b)(2)(ii)(A)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
2 sludges were actually generated in the aggressive biological treatment unit	261.31(b)(2)(ii)(B)				
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	261.31(b)(3)(i)				
for the purposes of the F038 listing	261.31(b)(3)(ii)				
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	261.31(b)(3)(ii)(A)				
floats are considered to be generated at the moment they are formed in the top of the unit	261.31(b)(3)(ii)(B)				

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

add the waste codes
 "F037" and "F038"
 in alphanumeric
 order to list as
 shown below: Appendix VII

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

APPENDIX VII.--BASIS FOR LISTING
HAZARDOUS WASTE

EPA hazardous waste No.	Hazardous constituents for which listed
* * * * *	
F037	Benzene, benzo(a)pyrene, chrysene, lead, chromium.
F038	Benzene, benzo(a)pyrene chry- sene, lead, chromium.
* * * * *	

¹ The introductory paragraph and table were originally introduced into the code as 261.31. The final rule for this checklist has redesignated the old 261.31 as 261.31(a) and added a new paragraph, 261.31(b).

² See the technical correction to the rule at 55 FR 51707 (December 17, 1990).